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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,835	08/04/2003	Shlomo Shachar	058300.00006	9248
32294	7590	01/09/2008		
SQUIRE, SANDERS & DEMPSEY L.L.P.			EXAMINER	
14TH FLOOR			LEE, CHI HO A	
8000 TOWERS CRESCENT				
TYSONS CORNER, VA 22182				
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			01/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/632,835

**Applicant(s)**

SHACHAR ET AL.

**Examiner**

Andrew Lee

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                            |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boroditsky et al U.S. Patent Number 6,925,259 in view of U.S. Patent Number 6,816,500.

Re Claims 1, 24, Boroditsky et al (Boro) fig. 2 teaches photodiode (a tunable wavelength receiver); tunable laser (a tunable wavelength transmitter); further teaches that node 200 schedule transmissions via reserved wavelengths and time slots by MAC protocol (a media access controller) wherein fig. 3 teaches how separate wavelengths and times are allocated for transmission and reception (See col. 3, lines 1+ and also see Table 1). Boro fails to teach "at least one reservation map". However, '500 patent teaches two list of maps are maintained in database, a reservation map indicating which devices have been reserved and a transmit map indicating which the activity on which channel for transmission. One skilled in the art would have been motivated to MAC protocol to use the list of maps in '500 patent for network channel management. Therefore, it would have been obvious to one ordinary skilled to combine the references.

Re Claims 2, 25, 39, 40, refer to Claim 1, fig. 3 teaches a shows a packet transmission and reception for a given node in the ring network wherein this diagram (at least one reservation map) indicates the reservation of wavelength and time slots associated with the communicating node wherein the allocation is based on the availability and demand scheduled by the MAC protocol and stored in memory not shown (a reservation map unit).

Re Claims 3, 18, 26-28, refer to Claim 2, wherein since fig. 3 is associated with the a given node, the MAC protocol inherently maintains bandwidth requests (demand matrix) to allocated available bandwidth, i.e., deletes the reservation made for it and make new reservation (See col. 3, lines 57-59).

Re Claims 4, 8, 16-17, 19-23, refer to Claim 3, wherein MAC protocol performs allocations of new reservation requests based on bandwidth availability (demand matrix...from another said plurality of nodes).

Re Claim 5, refer to Claim 3, wherein the network is an optical ring.

Re Claims 6, 7, 29-30, refer to claim 3, wherein the network can be configured to be couple to plurality of networks and topology.

Re Claims 9, 32, refer to Claim 1, wherein each node includes tunable transceivers to operate at common wavelength for receiving data whether broadcast or multicast.

Re Claims 10, 33, wherein the wavelength and time slot allocation by MAC protocol is dynamic (reorders...without causing collision).

Re Claims 11-15, 34-38, refer to Claim 1, wherein MAC protocol supports bandwidth negotiation, allocation, priority requests.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firman Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

